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ABSTRACT

The appeal process to the Special Educational Needs Tribunal in the United Kingdom is explained for parents who disagree with decisions of Local Education Authorities (LEAs) about a child's special educational needs. Conditions under which an appeal can be made to the Tribunal are identified, as are issues not appropriate for the Tribunal. The guide includes information on the following: sources of advice, time limits to appeal, documents needed, what happens when the appeal is received, dealing with responses from the LEAs, who hears the case, attending the hearing, legal representation and witnesses, appeals against the Tribunal's decision, and expenses that can be claimed. A timetable is provided that identifies the number of working days each action takes from the time of making an appeal to getting the Tribunal's decision. Definitions of terms are also provided, along with a list of free publications, a directory of organizations, and a form for submitting an appeal to the Tribunal. (SW)

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Special Educational Needs Tribunal

How to appeal

EC 304064

Contents

	Page
The Special Educational Needs Tribunal: your questions answered.	2
Definitions	19
Timetable from making an appeal to getting the tribunal's decision	20
Other publications	21
List of useful addresses	22
Notice of appeal form	27

Guide to the Special Educational Needs Tribunal

This booklet explains the circumstances in which you can appeal to the Special Educational Needs Tribunal and what happens when you do. After reading this, if you want to appeal to the tribunal, you can use the form inside the back cover.

What is the Special Educational Needs Tribunal?

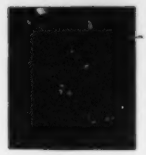
The Special Educational Needs Tribunal was set up by the Education Act 1993. It considers parents' appeals against the decisions of Local Education Authorities (LEAs) about a child's special educational needs, where the parents cannot reach agreement with the LEA.

Is the tribunal independent?

The tribunal is independent. The Lord Chancellor appoints the President and chairmen, and the Secretaries of State for Education and for Wales appoint the other members. But the Government cannot influence the tribunal's decisions. And the tribunal has no connection with any LEA.

Why might an appeal be necessary?

If you disagree with the LEA about the way to meet your child's special educational needs, you should first try to sort the matter out with the LEA. But if you cannot reach agreement with the LEA, and you are not still not happy



about their decision, you can appeal against the decision to the tribunal.

When can I appeal to the tribunal?

You can appeal to the tribunal if the LEA:

- refuse to **make a formal assessment** of your child's special educational needs;
- refuse to **issue a statement** of your child's special educational needs, after making a formal assessment.

If the LEA have made a statement of your child's special educational needs, or changed a previous statement they have made, you can appeal against:

- the **description in the statement of your child's special educational needs;**
- the **description in the statement of the special educational help** that the LEA think your child should get;
- the **school named** in the statement for your child to go to;
- the LEA's **not naming a school** in the statement.

You can also appeal if the LEA:

- refuse to **change the school** named in the statement;
- refuse to **re-assess** your child's special educational needs if they have not made a new assessment for at least six months;
- decide not to **maintain** the statement.

Are there any issues the tribunal cannot deal with?

You **cannot** appeal to the tribunal against:

- the **way the LEA carried out the assessment**, or the **length of time** it took;
- the way the **LEA are arranging to provide the help** set out in your child's statement;
- the way the **school** is meeting your child's needs; or
- the description in the statement of your child's **non-educational needs** or how **the LEA plan to meet those needs**.

What can I do if I am not happy about any of these issues?

Discuss your concerns with your child's school or the LEA, or both. If you are still not happy, you can complain to the Secretary of State that the school or the LEA are acting unreasonably or failing to carry out their duties. If the Secretary of State agrees with your complaint, he may direct the school or the LEA to take action to put things right. If you are complaining about a school or an LEA in England, you should write to the Secretary of State for Education at the Department for Education, Sanctuary Buildings, Great Smith Street, London, SW1P 3BT. If you are complaining about a school or an LEA in Wales, you should write to the Secretary of State for Wales at the Welsh Office Education Department, Government Buildings, Ty Glas Road, Llanishen, Cardiff, CF4 5WE.

Can I complain to the Local Government Ombudsman?

If your complaint is about matters the tribunal cannot deal with, you can sometimes complain to the Local Government Ombudsman. The addresses where you can get a booklet explaining how to do this are on page 21. Or you can get a booklet from your LEA.

Can I get advice about whether I can appeal?

You may be able to get help from:

- a **voluntary organisation** which helps people with disabilities
- a **parents' group;** or
- a **Parent Partnership Adviser**.

The LEA should have told you about all of these when they told you they were thinking about making an assessment. There is a list of useful names and addresses at the end of this booklet. The LEA should also have asked you whether you would like to have a **Named Person** to give you advice and support (see definition on page 19). The Named Person can be a professional, a friend or relative, or come from one of the voluntary organisations or parent support groups. If the LEA have made a statement of your child's special educational needs, they will have confirmed in writing who your Named Person is.

Where can I get help if I decide to appeal?

Voluntary organisations, parents' groups, or your Named Person if you have one, will all be able to help you. These people will usually be able to give you all the help you need without your needing a solicitor. However, you may also be able to get legal aid so you can have a meeting with a solicitor to ask for advice about how to prepare your case. In this case, you would need to apply for 'Green Form' Legal Aid. Any solicitor can tell you if you can get this, and your local Citizens' Advice Bureau can give you the names of solicitors who run the 'Green Form' scheme and who may be experienced in educational matters. The address and telephone number of the Citizens' Advice Bureau and those of local solicitors are in the phone book, the Thomson Directory and Yellow Pages.

How do I appeal?

If you want to appeal, you should fill in the Notice of Appeal form inside the back cover of this booklet, and send it to the address given on the form. You will have to explain your reasons for appealing (your grounds for appeal). Anyone who has been giving you advice will be able to help you to fill in the form.

Do I have to send the appeal myself?

You must sign the appeal form yourself. But you can say on the form if you want us to send papers about your appeal to someone else instead of you. They should agree to this first. You must let us know in writing if you change your mind later.

Is there a time limit for making an appeal?

If you decide to appeal, you have two months to do so. Your appeal must arrive in the tribunal office no later than the first working day, two months after the LEA told you in writing that you could appeal. If the end of the two months is in August, you will have until 1 September.

What documents should I send to the tribunal?

When you send your Notice of Appeal form, you must attach a copy of the LEA's letter which gives the decision you are appealing against. If your child has a statement of special educational needs, you must also send a copy of this, and all the papers attached to it (appendices). If you do not send these documents within the two month time limit we cannot accept your appeal. You should keep the original letter and statement, and only send photocopies. If there are any other documents that you think could help your case, send copies of these too. You can send other documents at any time, but your appeal may be delayed if you do not send them straight away. Tribunal members will need to have copies of them well before the hearing. Once the hearing has been arranged, you can bring any other papers as evidence. But it will be more difficult for tribunal members to take them into account because they won't have had time to study them.

If you are appealing against the school named in the statement, you must give the name of the school you want your child to go to instead. If it is an independent school,

you may have to ask for the Secretary of State for Education's agreement. We will let you know if this is the case, and what you should do.

What will the tribunal do when it receives my appeal?

When we receive your notice of appeal, we will first of all decide whether the tribunal can deal with the matter.

If it cannot, we will write immediately to tell you.

If it can, we will tell you we have registered your appeal and send the LEA copies of all the documents you have sent.

What will the LEA do about my appeal?

The LEA will have to reply to us within 20 working days of receiving the copies of your Notice of Appeal form and other documents. In their reply, they must say whether or not they oppose your appeal, and if they do, they must say why. We will send you a copy of their reply, and:

- if they do oppose your appeal, we will send you another form (an Attendance form), for you to give details about who will be coming to the hearing.
- if they do not oppose your appeal, we will tell you what further action you need to take.

What if I disagree with the LEA's reply?

You can send a letter giving your views on the LEA's reply, but it must reach us within 15 working days of our sending the LEA's reply to you.

Will I be able to see documents the LEA send to the tribunal?

The LEA will not usually be able to send any more documents once they have sent their reply to your appeal. But they may if they have the President of the tribunal's permission. If the President does give permission, we will copy any documents the LEA send and post them to you before the hearing is arranged.

What if I find it difficult to get hold of a document which is important to my case?

If you tell us well before the hearing what the document is, and who holds it, the President of the tribunal may be able to make that person release it.

Who will hear my case?

A tribunal made up of three people hears each case. One person in the tribunal is a lawyer who acts as chairman. The other two will have knowledge and experience of either special educational needs or local government or both.

Will the hearing be in private?

Hearings will normally be in private, but you can say on the Attendance form whether there is anyone else you would like to be at the tribunal, as well as any representative and witnesses you bring. We will also ask you whether there is any reason why you would prefer your appeal to be heard in public. As a general rule, your appeal will only be heard in public if both you and the LEA agree to this.

Do I have to attend the hearing?

It is important that you attend the hearing, but you do not have to. The tribunal members will want to hear anything you have to say, and may want to ask you questions if something in the documents you have sent is not clear. And you may want to ask questions yourself. You will probably find it useful to make notes about the points you want to make, and bring them with you on the day.

You can send someone to the hearing to represent you rather than coming yourself. If you do, you must put your representative's name and address on the Attendance form we send you. If you decide to send a representative after you have sent us this form, you can contact us separately to tell us so. Your representative may be your Named Person (if you have one and he or she is willing), or anyone else who has been helping you.

If you decide not to attend the hearing, and you will not be sending a representative, you must tell us on the Attendance form. In this case you can send a letter to

support your appeal, but it must arrive at the tribunal office at least five working days before the hearing.

Can both parents attend the hearing?

Any parent of the child with special educational needs can attend the hearing.

Do I have to answer questions at the hearing myself?

If you do attend the hearing you may still bring a representative to speak for you about your reasons for appealing, or to help you put your point of view. But there may be some questions which the tribunal members want to ask you personally, for instance about your child's needs at home. You do not have to answer these questions if you do not want to.

What should I do if I need an interpreter or signer?

If you need an interpreter or signer, please tell us as early as possible, and we will arrange for one to attend. We will pay the interpreter a reasonable daily fee.

Can I make my appeal in Welsh?

If you live in Wales, you can appeal in Welsh. You or the LEA may write to us in Welsh and may also ask for the appeal to be heard in Welsh. We will make the necessary arrangements, but you should make your request to use the Welsh language as early as possible.

Can I bring a solicitor or barrister to represent me?

You can bring a solicitor or barrister to represent you but you will not get legal aid for this. Neither you nor the LEA should need a legal representative, as the hearing will be straightforward and the tribunal members will not use legal jargon.

Will my child have to answer questions at the hearing?

Your child does not have to attend the hearing. But if you or your child want his or her views to be taken into account separately from your own views, your child can attend the hearing and answer questions as a witness, or make a written statement.

Can I bring witnesses to support my case?

You can have two witnesses at the hearing. You must give their details on the Attendance form. If your child is going to answer questions at the hearing, he or she will be one of your witnesses. In exceptional circumstances the President of the tribunal may give you (and the LEA) permission to bring more than two witnesses, if you ask for this on your Attendance form, or in a letter, well before the date of the hearing. If it is impossible to write to us before the hearing, you can ask the chairman of the tribunal once the hearing has started. The LEA will be able to make a similar request. Your two main witnesses will be able to claim travel expenses, and a fixed amount for lost earnings.

What if a witness refuses to come to the hearing?

If the President of the tribunal thinks it is necessary, he can send a summons to any witness who has refused to attend the hearing. The President will do this as soon as the hearing is arranged, and the witness must then attend.

Can I withdraw my appeal?

You can withdraw your appeal by writing to us at the tribunal office at any time before the hearing. You can also withdraw your appeal when you are at the hearing by telling the chairman that you want to do so.

How much notice will I have of the hearing?

We will consult you about the date, time and place of the hearing and will let you know the exact details at least 10 working days beforehand.

How far will I have to travel to the hearing?

The hearing will take place as near to your home as we can arrange it. Appeals in London and the South-East of England will be heard at the tribunal's headquarters in London, if parents live within a convenient travelling distance. You will be able to claim travel expenses for you and your child if he or she attends, but you will not be able to claim for lost earnings.

What time will the hearing be held?

Tribunal hearings will usually be held within normal working hours. Your hearing will be fixed for a specific time. We will do our best to make sure that the hearings start on time but there will sometimes be delays, for example when the previous case takes longer than expected. The tribunal clerk will make sure you are not kept waiting for longer than necessary.

Will there be anyone to tell me what to do at the hearing?

A tribunal clerk will show you where to go and give any help you may need.

Who will be at the hearing?

The following people will be there:

- the three members of the tribunal;
- the tribunal clerk;
- the LEA's representative;
- the LEA's witnesses, if there are any;
- you;
- your child, if he or she comes, and any other witnesses you may have;
- your representative, if you have one; and
- anyone else you want to be there who will not take part

in the hearing (as long as you have already given their name to us in writing). The President may decide that someone you name cannot attend.

There may also be someone there to watch how the tribunal is run, or someone who is involved in training for tribunal work.

What happens at the hearing?

A clerk will take you into the tribunal room. In most cases everyone will sit around a table. The chairman will explain the procedure to you before the hearing begins.

The members of the tribunal will want to find out the following from you and the LEA:

- what do you think are the relevant facts?
- what conclusions do you think the tribunal should come to?
- what do you think should now be done for your child?

The tribunal chairman will try to make the procedure as straightforward as possible so everyone can give their point of view. The tribunal members will ask questions without using legal jargon. If their questions are not clear, you can ask them to explain what they mean before you answer. The chairman will suggest that different parts of the case are dealt with one at a time. You will not have to make a statement about the whole of the case. This will give everyone the chance to look at the points as they come up, without getting muddled. On each point, the chairman will first ask the LEA to explain their point of view, and then ask you to explain yours.

Witnesses will be able to give evidence on each point. Both you and the LEA will be able to ask them questions. Witnesses will normally stay for the whole hearing.

The discussion at the tribunal hearing does not have to stick to the points the chairman raises. He or she will give you the chance to add anything you feel is important which has not been mentioned. It may be a good idea to make a list beforehand of what you would like the tribunal to consider. You can then tick the matters off as they are discussed, and at the end bring up any which were left out.

At the end of the hearing the chairman will normally tell you that you will receive the tribunal's decision by post.

How long will the hearing last?

The length of the hearing will depend partly on how many witnesses there are. Most hearings will be over within half a day. But there may be exceptional cases when the tribunal members need more evidence. In these cases the chairman will explain what the tribunal needs, and will ask you to come back another day, to give time for you or the LEA to produce this evidence.

How will the tribunal come to a decision?

The tribunal makes its decision by considering all the evidence. This includes the documents which you and the LEA sent before the hearing, and also what was said at the hearing. Whatever the tribunal decides, you and the LEA must accept its decision.

When will I know the tribunal's decision?

We will post the formal decision and the reasons for that decision to you and to the LEA within 10 working days of the hearing.

Can I appeal against the tribunal's decision?

Both you and the LEA can appeal to the High Court against the tribunal's decision, but only on points of law.
If you need advice about this, a solicitor or a voluntary organisation may be able to help you.

What if the LEA doesn't keep to the tribunal's decision?

By law, the LEA must keep to the tribunal's decision. If the LEA do not do so, you can write to complain to the Secretary of State for Education (in the case of an English LEA), at the Department for Education, Sanctuary Buildings, Great Smith Street, London, SW1P 3BT, or to the Secretary of State for Wales (in the case of a Welsh LEA) at the Welsh Office Education Department, Government Buildings, Ty Glas Road, Llanishen, Cardiff, CF4 5WE.

What expenses can I claim?

You will be able to claim travel expenses for you and your child if he or she attends the hearing. Your two main witnesses will also be able to claim travel expenses and a fixed amount for lost earnings. If you need an interpreter or signer, we will pay them a reasonable daily fee. But your representative, if you have one, will not be able to claim any expenses from us.

How do I claim my expenses?

We will send you details about claiming expenses when we write to tell you about the arrangements for the hearing. When you arrive at the hearing, the clerk will give you a form for you to claim your expenses, and we will send them to you later by post. If waiting for the money would cause you financial difficulties, you should let the tribunal office know well before the hearing, and we will give it to you on the day.

Will I have to pay any costs if I lose the appeal?

You and the LEA will not normally have to pay any costs. In very exceptional circumstances, if the tribunal thinks that either you or the LEA have acted unreasonably, or deliberately wasted the tribunal's time, you or they may have to pay costs.

How long will my appeal take altogether?

You should have the tribunal's decision between four and five months (five and six months if August is included) after the date when your appeal is first received in the tribunal office. (See timetable on page 20.)

Definitions

Assessment	A detailed examination of a child's special educational needs. It may lead to a **statement** of special educational needs.
Documents	Letters or reports, including a statement of special educational needs.
Tribunal hearing	The occasion when the tribunal considers an appeal.
LEA	Local Education Authority – the local government body responsible for providing education and for making assessments and maintaining statements.
Named Person	A person chosen by the LEA, with your help, to give you information and advice about your child's special educational needs. A Named Person can be a friend, a relative or a member of a voluntary organisation.
Special educational needs (SEN)	A child has special educational needs if he or she has learning difficulties that need special educational help.
Statement of special educational needs	A document that sets out a child's needs and the extra help he or she should get.
Summons	A document which orders a witness to attend a hearing.

Timetable from making an appeal to getting the tribunal's decision

The timetable below shows the number of working days an action takes. Working days do not include Saturdays, Sundays, Bank Holidays or any day in August.

- Parents make an appeal and the tribunal office decides whether the tribunal can deal with the appeal.
- If the tribunal cannot deal with the appeal, the tribunal office tells parents in writing **within 10 working days**.
- If the tribunal can deal with the appeal, the tribunal office sends the LEA a copy of the appeal **within 10 working days**.
- The LEA replies **within 20 working days**.
- As soon as the LEA's reply arrives, the tribunal office sends a copy of the reply to parents. If parents want to give their views on the LEA's reply, they send them to the tribunal office **within 15 working days**.
- When the tribunal office sends parents a copy of the LEA reply, it also sends a form asking them for details of who they want to attend the hearing. At the same time, it sends the LEA a form asking for details of who they will be sending to the hearing.
- Parents and the LEA return forms to the tribunal office **within 30 working days**.
- The tribunal office tells the parties the date and location of the hearing **at least 10 working days beforehand**.
- The tribunal office sends a written decision to parents and the LEA **within 10 working days after the hearing**.

Other free publications you may find useful

- **Special Educational Needs: a guide for parents**

- **The Updated Parent's Charter**

You can get copies of these documents by writing to:

DFE Publications Centre
PO Box 6927
LONDON E3 3NZ

or by ringing 0171-510 0150

How to complain to the Local Government Ombudsman

Available from

Local Government Ombudsman
21 Queen Anne's Gate
London SW1H 9BU

- **A Practical Guide to Legal Aid**

Available from

The Legal Aid Board
5th and 6th Floors
29-37 Red Lion Street
London WC1R 4PP
phone: 0171-831 4209

- **Special Educational Needs: A Guide for Parents in Wales**

- **Education: A charter for Parents in Wales**

Available from the

Welsh Office Education Department
Government Buildings
Ty Glas Road
Llanishen
Cardiff CF4 5WE
phone: 01222 761456
ext 5374 for Guide
ext 5366 for Charter

Your local Ombudsman in Wales

Available from

Local Ombudsman
Derwen House
Court Road
Bridgend
Mid Glamorgan CF31 1BN

Useful addresses

Advisory Centre for Education
Unit 1B
Aberdeen Studios
22 Highbury Grove
London N5 2EA
Phone: 0171-354 8321
(advice line 2-5pm)

AFASIC – Overcoming Speech Impairments
347 Central Markets
Smithfield
London EC1A 9NH
Phone: 0171-236 3632/6487

Education Adviser
Association for Spina Bifida and Hydrocephalus
Asbah House
42 Park Road
Peterborough PE1 2UQ
Phone: 01733 555988

British Dyslexia Association
98 London Road
Reading
Berkshire RG1 5AU
Phone: 01734 668271

British Epilepsy Association
Anstey House
40 Hanover Square
Leeds LS3 1BE
Phone: 0113 2439393

Camden Parent Advocacy Service
St Margaret's
Leighton Road
London NW5 2QD
Phone: 0171-482 2593
0171-267 1089

Children's Legal Centre
20 Compton Terrace
London N1 2UN
Phone: 0171-359 6251
(helpline 2-5pm)

Contact-a-Family
170 Tottenham Court Road
London W1P 0HA
Phone: 0171-383 3555

Council for Disabled Children
c/o National Children's Bureau
8 Wakley Street
London EC1V 7QE
Phone: 0171-843 6000

DIAL UK
Park Lodge
St Catherine's Hospital
Tickhill Road
Doncaster DN4 8QN
Phone: 01302 310123

Down's Syndrome Association
153-155 Mitcham Road
London SW17 9PG
Phone: 0181-682 4001

I CAN
Barbican City Gate
1-3 Dufferin Street
London EC1Y 8NA
Phone: 0171-374 4422

IPSEA (Independent Panel for Special Educational Advice)
22 Warren Hill Road
Woodbridge
Suffolk IP12 4DU
Phone: 01394 382814

KIDS
80 Waynflete Square
LONDON W10 6UD
Phone: 0181-969 2817

MENCAP (Royal Society for Mentally Handicapped Children & Adults)
Early Years Project
117-123 Golden Lane
London EC1Y 0RT
Phone: 0171-454 0454

MIND (National Association for Mental Health)
Granta House
15-19 Broadway
Stratford
London E15 4BQ
Phone: 0181-519 2122

National Association of Citizens' Advice Bureaux
115-123 Pentonville Road
London N1 9LZ
Phone: 0171-833 2181

National Association for the Education of Sick Children
Open School
18 Victoria Park Square
Bethnal Green
London E2 9PF
Phone: 0181-980 6263/8523

National Autistic Society
276 Willesden Lane
London NW2 5RB
Phone: 0181-451 1114

National Deaf Children's Society
Family Services Centre
Carlton House
24 Wakefield Road
Rothwell Haigh
Leeds LS26 0SF
Phone: 0113 2823458
Freephone: 0800 252380

Network for the Handicapped
16 Princeton Street
London WC1R 4BB
Phone: 0171-831 8031/7740
(Advice Service)

Network 81
1-7 Woodfield Terrace
Chapel Hill
Stansted
Essex CM24 8AJ
Phone: 01279 647415

Parents in Partnership
Unit 2, Ground floor
70 South Lambeth Road
London SW8 1RL
Phone: 0171-735 7735

Pre-School Playgroup Association
61-63 Kings Cross Road
London WC1X 9LL
Phone: 0171-833 0991

Royal Association for Disability and Rehabilitation (RADAR)
12 City Forum
250 City Road
London EC1V 8AF
Phone: 0171-250 3222

Royal National Institute for the Blind
224 Great Portland Street
London W1N 6AA
Phone: 0171-388 1266

Royal National Institute for the Deaf
105 Gower Street
London WC1E 6AH
Phone: 0171-387 8033

SCOPE (formerly Spastics Society)
12 Park Crescent
London W1N 4EQ
Phone: 0171 636-5020/
0800 626216 (helpline 1-10pm)

SENSE
11-13 Clifton Terrace
Finsbury Park
London N4 3SR
Phone: 0171-272 7774

Special Education Consortium
c/o Council for Disabled Children
8 Wakley Street
London EC1V 7QE
Phone: 0171-278 9441

Supportive Parents
c/o HFT
Merchants House
Wapping Road
Bristol BS1 4RW
Phone: 0117 9772225

Addresses in Wales

Barnados
11-15 Columbus Walk
Brigantine Place
Atlantic Wharf
Cardiff CF1 5BZ
Phone: 01222 493387

British Dyslexia Association
98 London Road
Reading RG1 5AU
Phone: 01734 668271 (who can tell you of local groups in Wales)

MENCAP (Wales)
169 City Road
CARDIFF CF2 3JB
Phone: 01222 494933

MIND (Wales)
23 St Mary Street
Cardiff CF1 8UX
Phone: 01222 395123
0122 668123 (information line)

Mudiad Ysgolion Meithrin
145 Albany Road
Cardiff CF2 3NT
Phone: 01222 485510

Pre-School Playgroup Assocation
Head Office
2a Chester Street
Wrexham
Clwyd LL13 8BD
Phone: 01978 358903

Royal National Institute for the Blind
Regional Education Centre
14 Neville Street
Canton
Cardiff
Phone: 01222 224574

SCOPE (formerly Spastics Society (WALES))
3 Links Court
Links Business Park
St Mellons
Cardiff
Phone: 01222 797706

SCOVO
5 Dock Chambers
Bute Street
Cardiff CF1 6AG
Phone: 01222 492443

Special Needs Advisory Project (SNAP) Wales
43 Melrose Avenue
Penylan
Cardiff CF3 7AR
Phone: 01222 459042

SENSE Wales
8 Forest View
West Glamorgan SA11 3RS
Phone: 01639 637115

Wales Council for the Blind
Shand House
Newport Road
Cardiff
Phone: 01222 473954

Wales Council for the Deaf
Maritime Offices
Woodland Terrace
Maesycoed
Pontypridd CF37 1DZ
Phone: 01443 485687

Wales Council for the Disabled
Llys Ifor
Crescent Road
Caerphilly
Mid Glamorgan CF8 1XL
Phone: 01222 887325

Notice of Appeal to the Special Educational Needs Tribunal

Please use this form if you want to send a notice of appeal to the Special Educational Needs Tribunal. You must send in this form so that it arrives in the tribunal office no later than the first working day, two months after the LEA told you that you could appeal. If the end of the two month period is in August, you will have until 1 September to make your appeal.

- ***Please fill in the boxes below. This form has to be photocopied, so please use black ink and capital letters.***
- ***If there is not enough space for your answer, please continue on a separate sheet and attach it to this form.***

Section 1

Please give below the details of the child, for whom the appeal is being made:

Child's surname .....

Child's first names .....

Child's date of birth .....

Child's gender M/F .....

It will help us if you tick one of the boxes below. You do not have to, but the information will give the tribunal useful statistics. All information is kept in the strictest confidence. The tribunal is registered under the Data Protection Act.

Child's ethnic origin:

☐ Black African	☐ Bangladeshi	☐ Chinese
☐ Black Caribbean	☐ Indian	☐ White
☐ Black Other*	☐ Pakistani	☐ Other*

* If you have ticked other, please give details:.....

.....

.....

Please cut along the dotted line

Section 2

Please give your details below. Parents can appeal jointly but if you live at different addresses we will only send papers to the address you give first.

Your name Mr ☐ Mrs ☐ Miss ☐ Ms ☐ Other ☐

Your surname .....

First names.....

Your relationship to the child, for example, father, mother, guardian, and so on .....

Your address .....

.....

.....

..... Postcode .....

Your telephone number, if any.....

Your name Mr ☐ Mrs ☐ Miss ☐ Ms ☐ Other ☐

Your surname .....

First names.....

Your relationship to the child, for example, father, mother, guardian, and so on .....

Your address .....

.....

.....

..... Postcode .....

Your telephone number, if any.....

Section 3

If it would help you for us to send tribunal papers to someone else instead of you, please give the following details:

Name:.....

Address .....

.....

.....

..... Postcode .....

Telephone number: .....

Section 4

Please give the name of the local education authority whose decision you are appealing against:

.....

Please give the date you received the letter from the LEA telling you that you could appeal to the tribunal:

.....

Please tick the boxes below that apply to your appeal. **Please include a separate sheet of paper explaining briefly why you disagree with the LEA.**

I am appealing to the SEN tribunal because:

1 I have asked the LEA to assess, or re-assess my child, but they have refused. ☐

2 The LEA have assessed my child but refused to provide a statement. ☐

3 The LEA have provided a statement, but I disagree with part 2 or part 3 of it, or both parts. ☐

4 The LEA have provided a statement, but I disagree with the school they have named in part 4. ☐

5 The LEA have provided a statement, but they have not named a school in it. ☐

6 I have asked the LEA to change the school named in the statement, but they have refused. ☐

7 The LEA have decided not to maintain my child's statement. ☐

The school I would prefer my child to go to is: (Please give the name and address of the school if you have ticked the box in 4, 5 or 6.)

.....

.....

Section 5

If you live in Wales, do you want the hearing to be in Welsh?

☐ Yes ☐ No

Section 6

Please make sure you send the following documents with this appeal form. **We cannot register your appeal without them.**

- A copy of your child's statement of special educational needs (if he or she has one), **even if the LEA have refused to maintain it**.
- The other documents attached to the statement (appendices). **If they were not attached to the final statement, send the ones attached to the proposed (draft) statement**.
- A copy of the letter (notice) from the LEA which sets out the decision you are appealing against.
- If you have ticked box 1 in section 3, send a copy of your letter to the LEA asking them to make an assessment.

You will be able to send further documents at a later date if you want.

Your signatures .....

.....

Date .....

Please return this form together with any supporting documents to the address below:

Special Educational Needs Tribunal
Secretariat
71 Victoria Street
LONDON SW1H OHW
Telephone: 0171-925 6925 Facsimile: 0171-925 6926

Please cut along the dotted line

Personal Notes:

Further copies of this booklet can be obtained from

DFE Publications Centre
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or telephone: 0171-510 0150

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RAISING THE STANDARD